

**Judge Hellerstein**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION  
-----X

JOSEPH PERRY,

Plaintiff(s),

-against-

THE CITY OF NEW YORK, et al,

Defendants.  
-----X

21 MC 100 (AKH) (ECF)

Docket No.:  
10 CV

CHECK-OFF ("SHORT  
FORM") COMPLAINT  
RELATED TO THE  
MASTER COMPLAINT

PLAINTIFF(S) DEMAND A  
TRIAL BY JURY

By Order of the Honorable Alvin K. Hellerstein, United States District Judge, dated June 22, 2006, ("the Order"), Master Complaints for all Plaintiffs were filed on August 18, 2006.

#### NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaints are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an "X" if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiffs, JOSEPH PERRY, by his/her/their attorneys DOUGLAS & LONDON, P.C., complaining of Defendant(s), respectfully allege:

#### I. PARTIES

##### A. PLAINTIFF(S)

1. ☒ Plaintiff, JOSEPH PERRY (hereinafter the "Injured Plaintiff"), is an individual and a citizen of the State of New York residing at 2110 1st Avenue, Apt.#2610, New York, New York 10029.

(OR)

2. Alternatively, ☐ \_\_\_\_\_ is the \_\_\_\_\_ of Decedent \_\_\_\_\_, and brings this claim in his (her) capacity as Administrator of the Estate of \_\_\_\_\_.

3. ☐ Plaintiff, (hereinafter the "Derivative Plaintiff"), is a citizen of the State of \_\_\_\_\_ residing at \_\_\_\_\_, and has the following relationship to the Injured Plaintiff:

☐ SPOUSE:

☐ Parent ☐ Child ☐ Other: \_\_\_\_\_

4. In the period from September 12, 2001, until on or about November 2001 the Injured Plaintiff worked for the National Guard as a security guard at:

<input checked="" type="checkbox"/> The World Trade Center Site Location(s) (i.e., building, quadrant, etc.) Based upon information known at this time, Plaintiff worked throughout the four quadrants; From on or about September 12, 2001, until on or about November 2001; Approximately 13 hours per day; for Approximately 50-60 days total.	<input type="checkbox"/> The Barge From on or about _____, until _____; Approximately _____ hours per day; for Approximately _____ days total.
<input type="checkbox"/> The New York City Medical Examiner's Office From on or about _____, until _____; Approximately _____ hours per day; for Approximately _____ days total.	<b>Other:</b> * For injured plaintiffs who worked at Non-WTC Site building or location. The Injured Plaintiff worked at the address/location, for the dates alleged, for the hours per day, for the total days, and for the employer, as specified below:  From on or about _____, until _____; Approximately _____ hours per day; for Approximately _____ days total.
<input type="checkbox"/> The Fresh Kills Landfill From on or about _____, until _____; Approximately _____ hours per day; for Approximately _____ days total.	Name and Address of Non-WTC Site Building/Worksite: _____ _____ _____

\*Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

*Please read this document carefully.  
 It is very important that you fill out each and every section of this document.*

5. Injured Plaintiff

- ☒ Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;
- ☒ Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;
- ☒ Was exposed to and inhaled or absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;
- ☒ Other:  
Not yet determined. \_\_\_\_\_

6. Injured Plaintiff

- ☒ Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. §40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was denied. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. §40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. §40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was granted. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. §40101, Ground-Zero Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

*Please read this document carefully.  
It is very important that you fill out each and every section of this document.*

**B. DEFENDANT(S)**

The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

<input checked="" type="checkbox"/> THE CITY OF NEW YORK ("CITY") <input checked="" type="checkbox"/> A Notice of Claim was timely filed and served on March 26, 2010 and <input type="checkbox"/> Pursuant to General Municipal Law §50-h the CITY held a hearing on or about _____ (OR) <input checked="" type="checkbox"/> The CITY has yet to hold a hearing as required by General Municipal Law §50-h <input type="checkbox"/> More than thirty days have passed and the CITY has not adjusted the claim. (OR) <input type="checkbox"/> An Order to Show Cause application to: <input type="checkbox"/> deem Plaintiff's Notice of Claim timely filed, or in the alternative to grant Plaintiffs' leave to file a late Notice of Claim <i>Nunc Pro Tunc</i> (for leave to file a late Notice of Claim <i>Nunc Pro Tunc</i> has been filed and a determination: <input type="checkbox"/> is pending <input type="checkbox"/> Granting petition was made on _____ <input type="checkbox"/> Denying petition was made on _____	<input checked="" type="checkbox"/> AMEC CONSTRUCTION MANAGEMENT, INC. <input type="checkbox"/> 150 BROADWAY N.Y. ASSOCS. L.P. <input type="checkbox"/> 160 WATER ST. INC. <input type="checkbox"/> 30 BROAD STREET ASSOCIATES, LLC. <input type="checkbox"/> 7 WORLD TRADE CENTER COMPANY, L.P. <input type="checkbox"/> A RUSSO WRECKING <input type="checkbox"/> ABM INDUSTRIES, INC. <input type="checkbox"/> ABM JANITORIAL NORTHEAST, INC. <input type="checkbox"/> AMEC EARTH & ENVIRONMENTAL, INC. <input type="checkbox"/> ATLANTIC HEYDT CORP <input type="checkbox"/> BECHTEL ASSOCIATES PROFESSIONAL CORPORATION <input type="checkbox"/> BECHTEL CONSTRUCTION, INC. <input type="checkbox"/> BECHTEL CORPORATION <input type="checkbox"/> BECHTEL ENVIRONMENTAL, INC. <input type="checkbox"/> BECHTEL ENVIRONMENTAL, INC. <input type="checkbox"/> BFP ONE LIBERTY PLAZA CO., LLC. <input type="checkbox"/> BFP TOWER C. CO. LLC. <input type="checkbox"/> BIG APPLE WRECKING & CONSTRUCTION CORP. <input type="checkbox"/> BOSTON PROPERTIES <input checked="" type="checkbox"/> BOVIS HOLDINGS LIMITED <input checked="" type="checkbox"/> BOVIS INTERNATIONAL, INC. <input checked="" type="checkbox"/> BOVIS LEND LEASE, INC. <input checked="" type="checkbox"/> BOVIS LEND LEASE INTERIORS, INC. <input checked="" type="checkbox"/> BOVIS LEND LEASE LMB, INC. <input type="checkbox"/> BRANCH SERVICES <input type="checkbox"/> BREEZE CARTING CORP. <input type="checkbox"/> BREEZE NATIONAL, INC. <input type="checkbox"/> BRER-FOUR TRANSPORTATION CORP. <input type="checkbox"/> BROOKFIELD FINANCIAL PROPERTIES, INC. <input type="checkbox"/> BROWN HARRIS STEVENS, <input type="checkbox"/> BURO HAPPOLD CONSULTING ENGINEERS, P.C. <input type="checkbox"/> C&D FIREPROFFING & PLASTERING CORP. <input type="checkbox"/> C.B. CONTRACTING CORP. <input type="checkbox"/> CALEDONIAN INSURANCE COMPANY <input type="checkbox"/> CANRON CONSTRUCTION CORP <input type="checkbox"/> CANTOR SEINUK GROUP <input type="checkbox"/> CAPITAL PROPERTIES, INC. <input type="checkbox"/> CARLOS CONSTRUCTION
PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"] <input type="checkbox"/> A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on _____: <input type="checkbox"/> More than sixty days have elapsed since the Notice of Claim was filed, (and) <input type="checkbox"/> the Port Authority has adjusted this claim. <input type="checkbox"/> the Port Authority has not adjusted this claim.	
<input type="checkbox"/> 1 WORLD TRADE CENTER, LLC <input type="checkbox"/> 1 WTC HOLDINGS, LLC <input type="checkbox"/> 2 WORLD TRADE CENTER, LLC <input type="checkbox"/> 2 WTC HOLDINGS, LLC <input type="checkbox"/> 4 WORLD TRADE CENTER, LLC <input type="checkbox"/> 4 WTC HOLDINGS, LLC <input type="checkbox"/> 5 WORLD TRADE CENTER, LLC <input type="checkbox"/> 5 WTC HOLDINGS, LLC	

*Please read this document carefully.  
It is very important that you fill out each and every section of this document.*

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> CIVETTA-COUSINS, JV, LLC</li> <li><input type="checkbox"/> Clarcor Air filtration Products, Inc.</li> <li><input type="checkbox"/> COMPONENT ASSEMBLY SYSTEMS, INC.</li> <li><input type="checkbox"/> CONSOLIDATED EDISON COMMUNICATIONS HOLDING COMPANY, INC.</li> <li><input type="checkbox"/> CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.</li> <li><input type="checkbox"/> CONSOLIDATED EDISON DEVELOPMENT, INC.</li> <li><input type="checkbox"/> CONSOLIDATED EDISON ENERGY, INC.</li> <li><input type="checkbox"/> CONSOLIDATED EDISON INC.</li> <li><input type="checkbox"/> CONSOLIDATED EDISON SOLUTIONS, INC.</li> <li><input type="checkbox"/> CONSULTING ENGINEERS, P.C.</li> <li><input type="checkbox"/> COOPER SQUARE REALTY, INC.</li> <li><input type="checkbox"/> COORDINATED METALS, INC.</li> <li><input type="checkbox"/> CORD CONTRACTING CO., INC.</li> <li><input type="checkbox"/> CRAIG TEST BORING COMPANY INC.</li> <li><input type="checkbox"/> CUSHMAN &amp; WAKEFIELD, INC.</li> <li><input type="checkbox"/> DAKOTA DEMO-TECH</li> <li><input type="checkbox"/> DCM ERECTORS, INC</li> <li><input type="checkbox"/> DEUTSCHE BANK</li> <li><input type="checkbox"/> DIAMOND POINT EXCAVATING CORP</li> <li><input type="checkbox"/> DIEGO CONSTRUCTION, INC.</li> <li><input type="checkbox"/> DIVERSIFIED CARTING, INC.</li> <li><input type="checkbox"/> DMT ENTERPRISE, INC.</li> <li><input type="checkbox"/> D'ONOFRIO GENERAL CONTRACTORS CORP</li> <li><input type="checkbox"/> EAGLE LEASING &amp; INDUSTRIAL SUPPLY</li> <li><input type="checkbox"/> EAGLE ONE ROOFING CONTRACTORS INC.</li> <li><input type="checkbox"/> EAGLE SCAFFOLDING CO</li> <li><input type="checkbox"/> EJ DAVIES, INC.</li> <li><input type="checkbox"/> EMPIRE STATE PROPERTIES, INC.</li> <li><input type="checkbox"/> EN-TECH CORP</li> <li><input type="checkbox"/> ET ENVIRONMENTAL</li> <li><input type="checkbox"/> EVERGREEN RECYCLING OF CORONA</li> <li><input type="checkbox"/> EWELL W. FINLEY, P.C.</li> <li><input type="checkbox"/> EXECUTIVE MEDICAL SERVICES, P.C.</li> <li><input type="checkbox"/> F&amp;G MECHANICAL, INC.</li> <li><input type="checkbox"/> FLEET TRUCKING, INC.</li> <li><input type="checkbox"/> FRANCIS A. LEE COMPANY, A CORPORATION</li> <li><input type="checkbox"/> FRANCIS MICELLI JR CONTRACTING</li> <li><input type="checkbox"/> FTI TRUCKING</li> <li><input type="checkbox"/> GILSANZ MURRAY STEFICEK, LLP</li> <li><input type="checkbox"/> GLO MANAGEMENT, INC.</li> <li><input type="checkbox"/> GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC</li> <li><input type="checkbox"/> GRUBB &amp; ELLIS MANAGEMENT SERVICES, INC.</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> HALLEN WELDING SERVICE, INC.</li> <li><input type="checkbox"/> GC CONTRACTING CORP.</li> <li><input type="checkbox"/> HIGH-RISE ELECTRIC, INC.</li> <li><input type="checkbox"/> HIGH-RISE HOISTING AND SCAFFOLDING, INC.</li> <li><input type="checkbox"/> J.P. MORGAN CHASE CORPORATION,</li> <li><input type="checkbox"/> JEMB REALTY CORP</li> <li><input type="checkbox"/> JP EQUIPMENT RENTAL MATERIALS, INC.</li> <li><input type="checkbox"/> KIBEL COMPANIES,</li> <li><input type="checkbox"/> LAQUILA CONSTRUCTION INC.</li> <li><input type="checkbox"/> LASTRADA GENERAL CONTRACTING CORP</li> <li><input type="checkbox"/> LEFRAK ORGANIZATION INC.</li> <li><input type="checkbox"/> LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER, P.C.</li> <li><input type="checkbox"/> LIBERTY MUTUAL MANAGED CARE, INC.</li> <li><input type="checkbox"/> LOCKWOOD KESSLER &amp; BARTLETT, INC.</li> <li><input type="checkbox"/> LUCIUS PITKIN, INC.</li> <li><input type="checkbox"/> LZA TECH-DIV OF THORNTON TOMASETTI</li> <li><input type="checkbox"/> MANAFORT BROTHERS, INC.</li> <li><input type="checkbox"/> MAYORE ESTATES LLC</li> <li><input type="checkbox"/> MAZZOCHI WRECKING, INC.</li> <li><input type="checkbox"/> MEDCORE MEDICAL AND HOSPITAL SUPPLY</li> <li><input type="checkbox"/> MERIDIAN CONSTRUCTION CORP.</li> <li><input type="checkbox"/> MILFORD MANAGEMENT CORP</li> <li><input type="checkbox"/> MILSTEIN PROPERTIES CORP.</li> <li><input type="checkbox"/> MOODY'S INVESTORS SERVICE</li> <li><input type="checkbox"/> MRA ENGINEERING, P.C.</li> <li><input type="checkbox"/> MUESER RUTLEDGE CONSULTING ENGINEERS</li> <li><input type="checkbox"/> MURRAY HILL PROPERTIES</li> <li><input type="checkbox"/> NACIREMA INDUSTRIES INCORPORATED</li> <li><input type="checkbox"/> NEW YORK CRANE &amp; EQUIPMENT CORP.</li> <li><input type="checkbox"/> NICHOLSON CONSTRUCTION COMPANY</li> <li><input type="checkbox"/> ONE WALL STREET CORPORATION</li> <li><input type="checkbox"/> OVE ARUP &amp; PARTNERS, P.C.</li> <li><input type="checkbox"/> PETER SCALAMANDRE &amp; SONS, INC.</li> <li><input type="checkbox"/> PINNACLE ENVIRONMENTAL CORP</li> <li><input type="checkbox"/> PLAZA CONSTRUCTION CORP.</li> <li><input type="checkbox"/> PLAZA CONSTRUCTION MANAGEMENT CORP.</li> <li><input type="checkbox"/> PRO SAFETY SERVICES, LLP</li> <li><input type="checkbox"/> PT &amp; L CONTRACTING CORP.</li> <li><input type="checkbox"/> REGIONAL SCAFFOLD &amp; HOISTING CO, INC.</li> </ul> |
|---|--|

*Please read this document carefully.  
It is very important that you fill out each and every section of this document.*

<input type="checkbox"/> ROBERT SILMAN ASOCIATES <input type="checkbox"/> ROBERT L. GEROSA, INC. <input type="checkbox"/> ROCKROSE DEVELOPMENT CORP. <input type="checkbox"/> ROYAL GM INC. <input type="checkbox"/> RY MANAGEMENT <input type="checkbox"/> SAB TRUCKING INC. <input type="checkbox"/> SAFEWAY ENVIRONMENTAL CORP <input type="checkbox"/> SAKELE BROTHERS, L.L.C. <input type="checkbox"/> SEASONS INDUSTRIAL CONTRACTING <input type="checkbox"/> SILVERITE CONTRACTORS <input type="checkbox"/> SILVERSTEIN PROPERTIES <input type="checkbox"/> SILVERSTEIN PROPERTIES, INC. <input type="checkbox"/> SILVERSTEIN WTC FACILITY MANAGER, LLC <input type="checkbox"/> SILVERSTEIN WTC, LLC <input type="checkbox"/> SILVERSTEIN WTC MANAGEMENT CO., LLC <input type="checkbox"/> SILVERSTEIN WTC PROPERTIES, LLC <input type="checkbox"/> SILVERSTEIN DEVELOPMENT CORP. <input type="checkbox"/> SILVERSTEIN WTC PROPERTIES LLC <input type="checkbox"/> SIMPSON GUMPERZ & HEGER INC <input type="checkbox"/> SKIDMORE OWINGS & MERRILL LLP <input type="checkbox"/> SURVIVAIR <input type="checkbox"/> THE BANK OF NEW YORK <input type="checkbox"/> THE RELATED COMPANIES, LP <input type="checkbox"/> TISHMAN INTERIORS CORPORATION <input type="checkbox"/> TISHMAN SPEYER PROPERTIES <input type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN <input type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF NEW YORK <input type="checkbox"/> TOMASETTI GROUP <input type="checkbox"/> TORETTA TRUCKING, INC.	<input type="checkbox"/> TOTAL SAFETY CONSULTING L.L.C. <input type="checkbox"/> TRAMMELL CROW COMPANY <input type="checkbox"/> TRINITY CENTRE, LLC <input type="checkbox"/> TRIO ASBESTOS REMOVAL <input type="checkbox"/> TUCCI EQUIPMENT RENTAL CORP <input checked="" type="checkbox"/> TULLY CONSTRUCTION CO., INC. <input checked="" type="checkbox"/> TULLY ENVIRONMENTAL INC. <input checked="" type="checkbox"/> TULLY INDUSTRIES INC. <input checked="" type="checkbox"/> TURNER CONSTRUCTION CO. <input checked="" type="checkbox"/> TURNER CONSTRUCTION COMPANY <input checked="" type="checkbox"/> TURNER CONSTRUCTION INTERNATIONAL, LLC <input checked="" type="checkbox"/> TURNER/PLAZA, A JOINT VENTURE <input type="checkbox"/> ULTIMATE DEMOLITIONS/CS HAULING <input type="checkbox"/> VERIZON NEW YORK INC. <input type="checkbox"/> VOLLMER ASSOCIATES LLP <input type="checkbox"/> W HARRIS & SONS INC. <input type="checkbox"/> WEEKS MARINE, INC. <input type="checkbox"/> WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS. P.C. <input type="checkbox"/> WFP TOWER A. CO., L.P. <input type="checkbox"/> WFP TOWER B. CO., L.P. <input type="checkbox"/> WFP TOWER D. CO., L.P. <input type="checkbox"/> WHITNEY CONTRACTING, INC. <input type="checkbox"/> WOLKOW-BRAKER ROOFING CORP <input type="checkbox"/> WORLD TRADE CENTER PROPERTIES, LLC <input type="checkbox"/> YANNUZZI & SONS INC. <input type="checkbox"/> YONKERS CONTRACTING COMPANY, INC. <input type="checkbox"/> YORK HUNTER CONSTRUCTION, LLC <input type="checkbox"/> ZAR REALTY MANAGEMETN CORP. <input type="checkbox"/> ZECKENDORF REALTY OTHER: _____
<input type="checkbox"/> Non-WTC Site Building Owner Name: _____ Business/Service Address: _____ Building/Worksite Address: _____  <input type="checkbox"/> Non-WTC Site Lessee Name: _____ Business/Service Address: _____ Building/Worksite Address: _____	<input type="checkbox"/> Non-WTC Site Building Management Agent Name: _____ Business/Service Address: _____ Building/Worksite Address: _____

*Please read this document carefully.  
 It is very important that you fill out each and every section of this document.*

## II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

☒ Founded upon Federal Question Jurisdiction; specifically ☒ Air Transportation Safety & System Stabilization Act of 2001; (or) ☐ Federal Officers Jurisdiction, (or) ☐ Other (specify):  
\_\_\_\_\_; ☐ Contested, but the Court has already determined that it has  
removal jurisdiction over this action, pursuant to 28 U.S.C. §1441.

## III. CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the

